

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

**CIVIL APPLICATION NO.2779 OF 2006
IN
FIRST APPEAL ST.NO.12409 OF 2005**

The Oriental Insurance Co.Ltd.	.. Appellant
V/s	
Anita Ramdas Tatiya & Ors.	.. Respondents

Mr.J.S.Chandnani for the Appellant.
Ms.Sonali Pimple for the Respondents.

CORAM: DR.S.RADHAKRISHNAN J.

DATE : 30TH JUNE, 2006.

P.C.:

1. Rule. Rule is made returnable forthwith. Heard the learned Counsel for the parties. The learned Counsel for the Appellant seeks leave to delete Respondent No.5 who was the driver. Respondent No.5 is therefore allowed to be deleted at the risk of the Appellant.

2. The learned Counsel for the Appellant states that the entire decretal amount has been deposited with the Trial Court.

3. The learned Counsel for the original Applicant being the Respondent Nos.1 to 4 prays that the Respondent Nos.1 to 4 be allowed to withdraw 50% of the amount deposited before the Trial Court without furnishing any security. The Respondent Nos.1 to 4 are therefore allowed to withdraw 50% of the amount deposited before the Trial Court, without furnishing any security. The balance 50% amount remaining with the Trial Court is directed to be deposited by the Trial Court in a fixed

deposits in any of the Nationalised Bank, initially for a period of three years, which should be renewed from time to time thereafter.

4. Civil Application stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN, J.)